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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,016	11/29/2001	Georges Auberger	083114 0277565	3885
758	7590	10/05/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,016

Applicant(s)

AUBERGER, GEORGES

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/03; 1/17/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Getting Started with RealPublisher, Version 5.1, (Software Manual, 12/2/1998).

Considering claim 1, the claimed method of inserting and integrating video data into a streaming digital medium over a communication network, comprising:

‘selecting a transaction for implementing video enabling services’, is met by the disclosure of Getting Started with RealPublisher, Version 5.1, hereinafter referred to as RealPublisher, which teaches a user using the Record Wizard to create interactive RealVideo from existing or live files, see page 11 & 14-15.

‘presenting to a user on a user computing device a digital form’ is met by the screen shots, displayed on pages 11-18, which prompt a user to choose various parameters of the recording set-up.

‘completing the digital form, wherein the digital form is used to request the video enabling services to load a browser plug-in on the user computing device’, and ‘using the browser plug-in to record the video data’, is met by the disclosure that once the user begins the process, the RealPlayer device is required on the computer, see page 13, Item # 17; page 17, Item # 20; page 28; Item # 9.

‘uploading the video data to a media vault’, reads on the discussion in RealPublisher that the created audio/video files may be stored at a remote server, and that the user chooses the name & directory, see page 13, Item # 13; page 16, Item # 15; page 19, Item # 15; page 24, Item # 7; pages 31-37.

‘storing a video token into a database; and ‘loading into the user computing device the digital medium and video data from the media vault, wherein the video token identifies and requests the video data from the media fault’ reads on the section in RealPublisher of creating web pages, embedded with video files, pages 27-30.

‘presenting the digital medium and video data on the computing device’, reads on, page 30, Item # 13, which discloses that the user may view with web page (with video content) using a browser.

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Considering claims 2 & 15, RealPublisher teaches that the user may record video data within web pages, see pages 27-30.

Considering claims 3, 9 & 16, the user in RealPublisher interactively selects the GUI screens, therefore, the forms are in HTML.

Considering claims 4, 10 & 17, the browser plug-in RealPlayer is used to record data in the RealPublisher software package.

Considering claims 5, 11 & 18, RealPublisher teaches that the input content may be live video, which requires a video camera as a capture device, see page 7 & pages 14-15.

Considering claims 6, 13 & 20, the purpose of the directory name is for uniquely identifying the video data, when in storage; see page 13, Item # 13; page 16, Item # 15; page 19, Item # 15; page 24, Item # 7; pages 31-37.

Considering claims 7 & 14, the claimed method and system for inserting and integrating video data into streaming digital medium, comprises features that correspond with subject matter mentioned above in the rejection of claim 1, and are likewise treated.

Considering claim 8, RealPublisher teaches that the files may be transmitted using e-mail protocol, see page 37.

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Considering claims 12 & 19, the video data in RealPublisher may be imported from a memory of a computing device, page 12, Item # 5.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 7 & 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chadda, (U.S. Pat # 6,173,317).

Considering claim 1, the claimed method of inserting and integrating video data into a streaming digital medium over a communication network, comprising:

‘selecting a transaction for implementing video enabling services’, is met by the disclosure of Chadda, which teaches a user, i.e., designer 219 using the producer 215 to create interactive documents, col. 5, lines 10-35 & Fig. 2-3. The claimed feature reads on the use selecting the software package.

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‘presenting to a user on a user computing device a digital form’ is met by the screen GUI screen, disclosed in Chadda, which enable the select the parameters for the editing session, col. 5, lines 30-55.

‘completing the digital form, wherein the digital form is used to request the video enabling services to load a browser plug-in on the user computing device’, and ‘using the browser plug-in to record the vide data’, is met by the disclosure of the LiveScreen display 600, which includes video window 610, see Fig. 3 & 4A; col. 6, lines 20-35.

‘uploading the video data to a media vault’, reads on the discussion in Chadda, that the video may be stored remote from the designer 219, col. 7, lines 45-50.

‘storing a video token into a database; and ‘loading into the user computing device the digital medium and video data from the media vault, wherein the video token identifies and requests the video data from the media fault’ reads on the Table of Contents, including one or more labels for accessing the segments of the video data, col. 7, lines 51-60.

‘presenting the digital medium and video data on the computing device’, reads on col. 5, lines 30-40 & col. 6, lines 21-35.

Considering claims 7 & 14, the claimed method and system for inserting and integrating video data into streaming digital medium, comprises features that correspond with subject matter mentioned above in the rejection of claim 1, and are likewise treated.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Srinivasan Teaches authoring metadata files, along with video data.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:


(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER